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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,771	11/21/2001	Nelson Diaz	47084/SAH/C715	1827

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EXAMINER

NGUYEN, TUAN N

ART UNIT PAPER NUMBER

2828

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/990,771

Applicant(s)

DIAZ ET AL.

Examiner

Tuan N Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.


- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

  
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### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### Election/Restriction

1. Applicant's election claims 1-30 and canceled claims 31-66 without traverse is acknowledged.

### *Drawings*

2. New corrected drawings are required in this application because it is not acceptable.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-30 are rejected under 35 U.S.C 112, second paragraph, as being indefinite, vague, and confusing for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, **for example**.

Claims 1, 17, 25 recite an apparatus for driving lasers comprising: a laser current controller providing modulation and bias signal, a plurality of current drivers accept modulation and bias signal and produce laser drive signal, and a disable input selectively disable at least one high-speed current driver when not in use. It is vague and indefinite as to the structure of the high-speed current driver, and not clear when the disable signal coming from. In addition, it is vague and indefinite as to the structure of the feedback circuit that produce modulation and bias feedback signal that feeding back to the controller. Furthermore, it is vague and indefinite as to

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the claims 14, 24, 30 what/where/why there is an overall power consumption is being reduced – it seems the “total power consumption” of the apparatus should be the same even if it is receiving from multiple source or a single source. There is insufficient means/structure, which render the claims vague and indefinite. Claims 2-16, 18-24, 26-30 are rejected base on the same reason.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or non-obviousness.

6. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dietrich et al. (US 6647040) in view of Bosch et al. (US 5373387).

With respect to claims 1-3, 4-9, 17-19, 25, 27, 29 Dietrich et al. '040 shows in figure 2, and discloses an apparatus for driving lasers comprising a laser current controller providing modulation and bias signal, high speed current drives to produce laser drive signal, with

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photodetector feedback circuit to laser controller, in an integrate circuit. It has been held that mere duplication of the essential working parts of the device involves only routine skill in the art, in this case having plurality of laser current driver. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. It has been held that omission of an element and its function in a combination where the remaining elements perform the same functions as before involves only routine skill in the art, in this case controller/processor obvious has control signals when to “turn/run -ON/OFF” to enable/disable drivers when no in use. *In re Karlson*, 136 USPQ 184.

With respect claims 10-13, 15-16, 20-23, 26, 28, the claims further require the detector has capacitor and means in slow discharge with transistor. Bosch et al. ‘387 disclosed the detector with capacitor and means in slow discharge with transistor (Fig 1,2,3: 36, 38, ALL). It would have been obvious to one of ordinary skill in the art to provide Dietrich ‘040 with the detector with capacitor as taught or suggested by Bosch et al. ‘387, for the benefit of holding or stabilizing the signal for feedback.

With respect to claims 14, 24, 30, it is inherently obvious - instead of receiving from a single power supply to power the current drivers and integrated circuit, the apparatus receive two different power source – therefore there will be a reduce overall power consumed from the 2<sup>nd</sup> power supply.

### ***Communication Information***

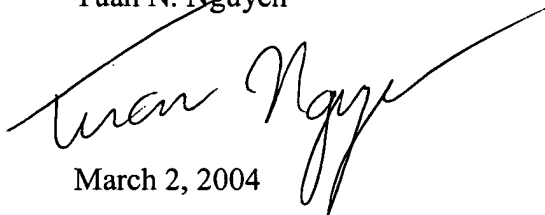
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan N Nguyen whose telephone number is (571) 272-1948. The examiner can normally be reached on M-F: 7:30 - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Ip can be reached on (571) 272-1941. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3329.

Tuan N. Nguyen



March 2, 2004



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